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Madagascar

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The country is a multiparty democracy in which the President and a bicameral legislature share power. President Marc Ravalomanana, who was elected in 2001, and his party, Tiako-I-Madagasikara (TIM), dominated political life. Until May 2002, when President Ravalomanana was declared President, incumbent President Didier Ratsiraka and his party, Alliance for the Rebirth of Madagascar (AREMA), disputed the results of the 2001 election, which resulted in widespread violence and numerous deaths. The December 2002 legislative elections, which international observers judged as generally free and fair, resulted in an overwhelming victory for TIM and its alliance partners, the pro-Ravalomanana National Alliance. In the November 2003 municipal elections, TIM won a majority of both rural and urban mayoral seats. The judiciary was inefficient and remained susceptible to corruption and executive influence.

The Minister for Public Security heads the national police and is responsible for law and order in urban areas. The Gendarmerie Nationale, part of the Ministry of National Defense, is responsible for security in all other areas of the island. Regular army units occasionally provided logistical support for law enforcement operations. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country was very poor with a population of 17.5 million; the economy was largely market-based. Services accounted for 58 percent of the gross domestic product (GDP), while agriculture employed four-fifths of the population. Approximately 70 percent of the population was below the Government's poverty level of approximately 45 cents a day in income. Cyclones, inflation, and the depreciation of the local currency affected the economy during the year. Real GDP grew by 5.3 percent during the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Prison conditions were harsh and life threatening. Security forces arbitrarily arrested a journalist, demonstrators, and church members during the year. Suspects often were held for periods that exceeded the maximum sentence for the alleged offenses, and lengthy pretrial detention remained a serious problem. Some government officials limited freedom of speech and of the press, and journalists practiced self-censorship. Police forcibly dispersed demonstrations. Local government officials banned a religious group. Women continued to face some societal discrimination, and child labor, including forced labor, was a problem. There were reports of trafficking in women and girls. During the year, the Government took major steps to combat trafficking and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. Unlike in the previous year, security forces did not use lethal force to disperse demonstrations.

During the year, no investigation was conducted into the 2002 death of Roland Ravalomasoa, a supporter of former President Ratsiraka, who died from injuries sustained during interrogation by security forces. Despite a 2003 public request by Ravalomasoa's family for an investigation, the Government maintained no formal request had been made.

The results of an investigation into the 2002 killing of a Canadian missionary by suspected pro-Ratsiraka militias were not released by year's end.

No action was taken in other 2002 killings by security forces.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

Several members of the Indo-Pakistani community were kidnapped, generally by Indo-Pakistani assailants; the motives appeared to be criminal, and the victims generally were released after payment of ransom.

No action was taken against the perpetrators of 2002 abductions attributed to pro-Ravalomanana forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides for the inviolability of the person; however, security forces subjected prisoners to physical abuse. During the year, a gendarme in Antanimora Prison kicked a female prisoner in the genitals during questioning; the prisoner was unable to stand or walk for 7 months as a result of her injuries. The gendarme was arrested and subsequently released after serving an unspecified period of time.

Unlike in the previous year, there were no reports that security forces raped female prisoners.

Police forcibly dispersed demonstrations (see Section 2.b.).

During the year, there were several grenade explosions throughout the country that appeared to target the homes and property of government officials and, occasionally, of members of the opposition. In June, approximately 60 persons were injured when grenades and Molotov cocktails were thrown at the houses of an opposition party member and prominent members of President Ravalomanana's TIM party in Antananarivo, Tamatave, Toliara, Fianarantsoa, and Mahajanga. The Government arrested 21 persons, 4 of whom were released on bail. The remaining detainees were still in pretrial detention at year's end. On November 21, three suspects were arrested after grenades exploded at various sites in Tamatave. Speculation about the motive of the attacks ranged from widespread discontent about the price of rice to opposition attempts to destabilize the Government. None of the suspects had been charged by year's end.

Prison conditions were harsh and life threatening. The country's 99 facilities, which were built for approximately 13,000 prisoners, held 19,971, according to the Ministry of Justice. Prison cells averaged less than 1 square yard of space per inmate, and a prisoner's diet consisted of 100 grams of cassava per day. Families and nongovernmental organizations (NGOs), including the Catholic Prison Chaplains, supplemented the daily rations of some prisoners. There were reports of rapes by other prisoners. Medical care was inadequate. Malnutrition, malaria, tuberculosis, and pneumonia resulted in an unknown number of deaths during the year. Prisoners could be used as forced labor, and the Government acknowledged that this occurred during the year (see Section 6.c.).

The Justice Ministry reported that between January 1 and June 30, 99 prisoners died from various causes, including disease and neglect; two prisoners held in connection with the 2002 political crisis died from natural causes.

Women were held separately from men; however, some preschool age children shared cells with their incarcerated mothers. Approximately 399 of the country's 19,971 prisoners were under 18; juveniles were not always held separately from the adult prison population. Pretrial detainees were not always kept separate from the general prison population.

The Government generally accepted requests for independent monitoring of prison conditions. The International Committee of the Red Cross (ICRC) has permanent offices in the country and was permitted access to detention centers throughout the country and ongoing access to detainees held in connection with the 2002 political crisis.

d. Arbitrary Arrest or Detention

The Constitution provides for due process for persons accused of crimes and prohibits arbitrary arrest and detention; however, the Government did not always respect these provisions in practice.

There are two national police forces in the country: The National Police, which has jurisdiction in cities; and the Gendarmerie Nationale, which is part of the armed forces and has jurisdiction in all other areas. Corruption persisted throughout both police forces.

The law provides that arrest warrants be obtained in all cases except those involving hot pursuit; however, often a person was detained and jailed on no more than an accusation by another person. Unlike in the previous year, there were no reports that the Government used reservists, who operated outside the normal armed forces chain of command, to make arrests.

The law provides defendants with a general right to counsel and the right to be informed of the charges against them; however, the Government was only required to provide counsel in cases in which indigent defendants faced charges carrying sentences greater than 5 years. A system of bail exists; however, in practice, it was not available to many defendants. Magistrates often resorted to an instrument known as a retaining writ ("mandat de depot") by which defendants were held in detention for the entire pretrial period or for periods longer than the maximum sentence on the charges faced.

Security forces detained a journalist, demonstrators, and church members during the year (see Sections 2.a., 2.b., and 2.c.).

In January, political activist Liva Ramahazomanana, sentenced in 2003 to 2 years' imprisonment for threatening state security and plotting a coup d'etat, was released after appealing directly to the President.

Also in January, President Ravalomanana pardoned former Minister of Public Security Ben Marofo Azaly and his son, who in 2003 were sentenced to 5 years' imprisonment for compromising the internal security of the state and inciting tribal hatred.

Long pretrial detention was a serious problem. The law mandates that a criminal suspect be charged or released within 48 hours of arrest; however, during the year, the Government detained individuals for significantly longer periods of time before charging or releasing them. In October, the Ministry of Justice reported that 13,548 persons, or approximately two-thirds of the entire prison population, were in pretrial detention. Poor record keeping, lack of resources, and the difficulty of access to remote parts of the island hindered the monitoring of pretrial detainees. Despite legal protections, investigative detentions often exceeded 1 year. Many detainees spent a longer period in investigative detention than they would have spent incarcerated following a maximum sentence on the charges faced.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, at all levels, the judiciary was susceptible to the influence of the executive and at times corrupt.

During the year, the Government charged 12 magistrates in its continuing campaign against widespread judicial corruption: 1 magistrate was acquitted, 2 were given warnings, 3 were demoted, 2 lost a year of service, 1 was suspended for a year, 2 were sanctioned but retained their positions, and the case against 1 was postponed until 2005. During the year, the Government took action against the 12 magistrates indicted for corruption in 2003: 3 were demoted, 2 of whom faced ongoing legal action; 4 were reprimanded, 2 of whom faced ongoing legal action; 2 were suspended for 1 year, 1 of whom was subsequently acquitted and 1 of whom faced ongoing legal action; 1 was suspended for 2 years; and 2 were cleared of all charges.

The judiciary is under the control of the Ministry of Justice and has four levels. Courts of First Instance hear civil cases and criminal cases carrying limited fines and sentences. The Court of Appeals includes a criminal court of first instance for cases carrying sentences greater than 5 years. The Supreme Court of Appeals hears appeals of cases from the Court of Appeals. The High Constitutional Court (HCC) reviews the constitutionality of laws, decrees, and ordinances. The judiciary also includes specialized courts designed to handle matters such as cattle theft.

The Constitution provides defendants with the right to a full defense at every stage of the proceedings, and trials were public. Defendants have the right to be present at their trials, to be informed of the charges against them, to confront witnesses, and to present evidence. The law provides for a presumption of innocence; however, the presumption of innocence was often overlooked. A 2003 CRS report stated that the human rights of a person charged with a crime were often violated, and that there was a "large gap between the laws that served to protect the rights of the accused and the implementation of these laws in fact."

Military courts are reserved for the trial of military personnel and generally followed the procedures of the civil judicial system, except that military officers are included on jury panels. Defendants in military cases have access to an appeals process. A civilian magistrate, usually joined by a panel of military officers, presides over military trials.

The Constitution provides traditional village institutions with the right to protect property and public order. An informal, community-organized judicial system called Dina was used in some rural areas to resolve civil disputes between villages over such issues as cattle rustling. The law limits Dina remedies to monetary damages. The Dina process does not ensure internationally recognized standards of due process; however, there were no reports that Dina resorted to sentences involving physical force or loss of liberty. Dina decisions may be appealed through formal judicial channels to a court of general jurisdiction or to the Office of the Mediator, which investigated and sought redress through formal judicial authorities.

Of the prisoners detained for their role in the 2002 political crisis, 18 were still in pretrial detention at year's end, 74 with sentences of 3 years' imprisonment or less were pardoned, and 2 died (see Section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these provisions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice. There were reports that some government officials pressured the media to curb its critical coverage of alleged government

malfeasance and intimidated journalists. Journalists practiced self-censorship. The Government did not restrict academic freedom.

There were eight privately owned major daily newspapers and many other privately owned national and local news publications that published less frequently. The Government owned the only nationwide television and radio networks. Widespread illiteracy and a poorly developed system for distributing publications printed in the capital limited the effect of print media.

In June, the Government closed Radio Say in Toliara for demonstrating a "lack of respect for the President of the National Assembly" and "inciting tribal hatred." The station was not permitted to resume broadcasting by year's end.

In July, the Betongolo gendarmerie detained without charge Rolly Mercia, a journalist for the Madagascar Tribune who had published an article that implicated several government officials in the illicit export of rosewood; Mercia was released after questioning.

On December 10, security forces seized broadcasting equipment at Radio Feon'i Toamasina, Radio Sky FM, and Radio ny Antsika after the stations broadcast opposition criticism of the President; the seizures were ordered by the Regional Chief and the Ministry of Communications. The stations, which were subsequently closed for "insulting President Ravalomanana" and "inciting tribal hatred," remained closed at year's end.

Many journalists privately admitted practicing self-censorship, particularly at the local level, and there were reports that journalists were threatened with imprisonment, libel suits, or harm to their families if they criticized government and opposition officials.

Government agencies and private companies sometimes bribed journalists, who generally received minimum or below minimum wages, to ensure positive coverage of certain events.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government at times limited this right in practice. The Government routinely issued permits for public meetings and demonstrations.

In June, the Government used tear gas to disperse three demonstrations by reservists demanding additional payment for their service during the 2002 political crisis; five reservists were arrested and awaiting trial at year's end. During one demonstration, a grenade carried by a demonstrator exploded, resulting in the death of the demonstrator and injury to 28 others.

No investigation was conducted into any of the 2003 or 2002 cases in which security forces used live ammunition, teargas, or other force to disperse demonstrations.

The Constitution provides for the right of association and permits citizens to organize political parties and associations; however, the Constitution also explicitly forbids associations that "call into question the unity of the Nation, and those that advocate totalitarianism or ethnic, tribal, or religious segregation." There were numerous political parties.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious organizations were not required to register with the Ministry of Interior; however, they were urged to do so. There were no penalties for failure to register.

In August, the Fianarantsoa Prefecture suspended the Universal Church of the Kingdom of God for inciting public disorder by allegedly burning a copy of the Bible during a ceremony in which "Satan's materials" were burned. In September, 2 pastors and 15 church members who participated in the burning were sentenced to 6 months' imprisonment.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41612.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. The fear of crime restricted travel in some areas, especially at night. Unlike in the previous year, there were no curfews.

The Constitution does not specifically prohibit forced exile; however, the Government did not use it. Former President Ratsiraka and other members of his administration remained in self-imposed exile at year's end.

The law does not include provisions for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, but the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum and cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting the small number of refugees in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens the right to change their government peacefully; however, some degree of turmoil accompanied the three changes of government that occurred over the last 13 years.

The country nominally was a democracy in which power was divided between the executive, a bicameral assembly, an independent judiciary, and 6 provincial and 22 regional administrations. The President appoints one-third of the senators.

Political and business leaders disproportionately influenced the administration of the country. Political parties coalesced around a single powerful person, usually the president. "Pensee Unique," a national belief in which dissent was viewed as an attack on societal harmony, made an effective opposition difficult in practice. Representatives of the president's political party usually controlled the National Assembly. The 2002 legislative elections and 4 follow-up contests held in March 2003 resulted in a substantial majority (106 of 160) of deputies elected from the President's TIM party and the pro-Ravalomanana National Alliance; only 6 of the country's 160 political parties were represented in the National Assembly. International observer teams found the 2002 election process to be transparent and the results credible, despite some organizational problems.

In the 2001 presidential elections, which were conducted amid widespread allegations of fraud, former President Ratsiraka received 40.69 percent of the vote, while his main challenger, the then-Mayor of Antananarivo Marc Ravalomanana received 46.49 percent. From January 2002 to June 2002, both Ravalomanana in Antananarivo and Ratsiraka in the port city of Toamasina claimed to be the legitimate head of state. Following mediation by the Organization of African Unity in April 2002, the HCC gave Ravalomanana the victory, and the Armed Forces, until then largely neutral, began shifting their support to Ravalomanana. Ratsiraka and his supporters tightened the blockade around the capital Antananarivo by attacking its infrastructure, particularly the bridges; however, the Ravalomanana forces steadily gained control over the entire country, ultimately forcing Ratsiraka into exile in July 2002. Widespread, politically motivated conflict resulted in approximately 100 deaths; blockades and infrastructure attacks by pro-Ratsiraka forces severely disrupted the economy.

A series of grenade attacks during the year may have been politically motivated (see Section 1.c.).

Corruption in the executive and legislative branches remained a serious problem. In 2003, the Government established an anti corruption council and took significant steps to curb corruption, including the suspension of 18 mayors for alleged fiscal and administrative improprieties; however, none of the suspensions led to criminal charges. During the year, the Government continued to investigate and prosecute magistrates (see Section 1.e.). In July, the President announced a national anti-corruption strategy to make the country "one of the least corrupt African countries by 2015." The strategy included the establishment of an investigative Independent Anti-Corruption Bureau, a new anti-corruption tribunal, compliance cells in each ministry, and a network of drop boxes for public complaints in each of the country's 111 districts; however, apart from education and publicity activities, few efforts were conducted during the year to enforce anti-corruption provisions or to sanction those who violated them.

Soon after the suspension of the 18 mayors, the Government announced that municipal elections would be held in November 2003. The Government claimed the suspensions would not bar the 18 from running; however, the suspensions complicated preparations for the election, as did August 2003 legislation that established two different processes for municipal elections--one for large cities and the other for the remainder of the country. In cities, the candidate with a plurality won; in rural communities, a party list system (in which the winner is the first name on the party list receiving the plurality of votes) was used. Municipal councils in both urban and rural communities were chosen using party lists. Logistical problems, including a shortage of transparent ballot boxes, resulted in the elections being held on two different dates: November 9 and 23, 2003. The TIM party received 56 percent of rural and 60 percent of urban mayoral seats.

There are no laws that provide for public access to government information; however, President Ravalomanana has publicly stated that his three main priorities are "good governance, transparency, and rule of law."

There were 8 women in the 160-member National Assembly elected in December 2002. Two of the 22 regional administrators appointed in September were women.

There were sex Muslims, one Hindu, and two Chinese-Malagasy members in the National Assembly. Chinese Malagasy and Muslims also held civil service positions. Residents of Indian origin were not represented in the Government because few had citizenship (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Government permitted visits during the year by NGOs, including the ICRC.

The Constitution requires the Government to create apolitical organizations that promote and protect human rights. However, the governmental National Commission for Human Rights has been inactive since 2002, when its members' terms expired. The Government has offered no explanation for the delay in naming replacements.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits all forms of discrimination; however, no specific government institutions were designated to enforce these provisions.

Women

Domestic violence against women was a problem. Police and legal authorities generally intervened when physical abuse was reported. The Penal Code was amended in 2003 to prohibit domestic violence, expand the definition of rape, and prohibit sexual harassment.

Prostitution was not a crime; however, related activities, such as pandering, are criminal. Incitement of minors to debauchery is a crime. The Ministry of Tourism acknowledged the problem of sexual tourism and conducted a workshop in July to address the issue.

There were reports of trafficking in women (see Section 5, Trafficking).

Under the law, wives have an equal voice in selecting the location of the couple's residence and generally received half the couple's assets if the marriage was dissolved. Widows with children inherit half of joint marital property. In practice, these requirements were not always observed. A tradition known as "the customary third," which provided the wife with the right to only one-third of a couple's joint holdings, was occasionally observed.

There was relatively little societal discrimination against women in urban areas, where many women owned or managed businesses and held management positions in private businesses and state owned companies. In 2003, the Ministry of Labor reported that women owned 30 percent of formal sector companies and 53 percent of informal sector companies. However, women may not work in positions that might endanger their health, safety, and morals.

A number of NGOs focused on the civic education of women and girls and publicized and explained their specific legal protections; however, due to illiteracy, cultural traditions, and a lack of knowledge about their rights, few women lodged official complaints or sought redress when their legal rights were compromised.

Children

The Ministries of Health, Education, and Population are responsible for various aspects of child welfare; however, lack of funding resulted in inadequate services and precluded the compilation of reliable statistics.

The Constitution provides for tuition-free public education for all citizen children and makes primary education until age 14 compulsory; however, according to the World Bank, only 68 percent of primary school-age children were enrolled (see Section 6.d.). In September and October, the Government distributed 1.2 million sets of school supplies to primary school children nationwide as part of the Education for All program began in 2003.

In June, UNICEF and the Government launched a 3-year campaign to improve birth registration rates. The country has no uniform birth registration system, and unregistered children were not eligible to attend school or obtain healthcare services. A 2000 UNICEF study found that approximately 2.5 million children under 17 were not registered.

Child prostitution was a problem. According to a continuing study conducted by the International Labor Organization's International Program for the Elimination of Child Labor (IPEC), there were approximately 700 to 800 child prostitutes in the city of Nosy Be and more than 2,000 in Toamasina. Some child prostitutes reported earning several times the average per capita monthly income. Acute poverty and lack of family support were the primary reasons that children engaged in prostitution.

There were reports of child trafficking (see Section 5, Trafficking).

Child labor, including forced labor, was a problem. In June, the Ministry of Labor hosted a workshop that approved a national strategy to combat the Worst Forms of Child Labor (see Section 6.d.).

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports of trafficking in women and girls for prostitution between the country and the neighboring islands of Mauritius and Reunion. Traffickers may be prosecuted under provisions of the Penal and Labor Codes that prohibit pedophilia and sexual tourism; however, there were no reports during the year of arrests for trafficking.

During the year, the Government took several steps to combat trafficking. The Government began a review of existing anti trafficking legislation, including adoption regulations; shut down several international adoption rings that were suspected of trafficking under the guise of adoption; and launched a criminal investigation into a suspected case of large-scale adoption fraud. Three new Minors' Brigades (police units that specialized in child welfare) were established in the provinces, and police raided 3 nightclubs where 53 minors were illegally present. The Government initiated an aggressive anti trafficking information campaign and worked with UNICEF to train police in six provincial cities to protect the rights of minors. The Ministry of Tourism initiated a program to identify and report tour operators offering sexual tourism services. The Government also continued to construct Welcome Centers for the victims of trafficking and forced labor (see Section 6.d.).

Persons with Disabilities

There was no official discrimination against persons with disabilities in employment, education, or in access to state services. The law broadly defines the rights of persons with disabilities and provides for a national commission and regional sub-commissions to promote the rights of persons with disabilities; however, neither a national commission nor the regional sub-commissions had been established by year's end. International NGOs and numerous local associations, including the Collective of Organizations Advocating for Persons with Disabilities, advocated for legislation mandating equal access for persons with disabilities and the establishment of the National Commission.

During the year, the Government intervened to assist in two cases in which students had been denied the opportunity to take entrance exams because of their disabilities; in both cases, the students were allowed to reschedule their exams. There were 24 state-sponsored educational facilities in the country for persons with disabilities.

In December, the Government encouraged the employment of persons with disabilities at national and regional levels of government and ordered that persons with disabilities be provided with: Medical treatment in public and private medical centers; employment without discrimination; eligibility for civil service vacancies; and education at public schools and vocational training centers, which were responsible for ensuring accessibility.

National/Racial/Ethnic Minorities

The Malagasy, of mixed Malay-Polynesian, African, and Arab descent, were divided into 18 tribes, a term without pejorative overtones in the country. The vast majority of Malagasy spoke a single Malagasy language. None of the 18 tribes constituted a majority. There were also minorities of Indo-Pakistani, Comorian, and Chinese heritage in the country.

A long history of military conquest and political dominance raised the status of highland ethnic groups of Asian origin, particularly the Merina, above that of coastal groups of African ancestry. This imbalance has fueled an undercurrent of tension between citizens of highland and coastal descents. Ethnicity, caste, and regional solidarity often were factors in hiring practices.

An economically significant Indo-Pakistani community, commonly referred to as Karana, has been present for over a century. Traditionally engaged in commerce, the Karana number approximately 20,000 persons. Few hold citizenship, which must be acquired through a native-born Malagasy mother, and many believed they were denied full participation in society and subject to discrimination.

In August 2003, a law was passed to permit foreigners to own land.

Section 6 Workers Rights

a. The Right of Association

The law provides that public and private sector workers may establish and join labor unions of their choosing without prior authorization; however, essential service workers, including police and military personnel, may not form unions. Unions were required to register with the Government, and registration was granted routinely. Ministry of Labor statistics indicate that 14 percent of workers in export processing zone (EPZ) companies and less than 10 percent of all workers were unionized. Between 70 and 80 percent of the workforce were engaged in agriculture. Despite the existence of several public employees' unions, few public employees were union members.

The Labor Code prohibits discrimination by employers against labor organizers, union members, and unions; however, a December CRS report on working conditions in the EPZs indicated that some employees did not join unions due to fear of reprisal. In the event of antiunion activity, unions or their members may file suit against the employer in civil court.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right of workers to bargain collectively; however, collective bargaining agreements remained rare. The Labor Code states that either management or labor may initiate collective bargaining. The Government set civil servant wages and endorsed minimum wages proposed by the private sector (see Section 6.e.).

The Constitution provides for the right to strike, including in EPZs, within parameters fixed by law, and workers exercised this right during the year. The Labor Code calls for workers to exhaust all options including conciliation, mediation, and arbitration before resorting to strikes. Workers in essential services have a recognized but restricted right to strike; however, they did not exercise this right during the year.

c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor, including by children; however, at times the Government did not respect this prohibition, specifically with respect to prison labor. Prisoners and pretrial detainees were hired out to private firms and government officials who provided basic amenities such as food and clothing in return for the prisoners' labor. In September, the Ministry of Labor released a study highlighting cases of forced labor among "pousse-pousse" (rickshaw) drivers, petty merchants, and apprentices.

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Code prohibits persons under age 18 from working at night and at sites where there is an imminent danger to health, safety, or morals; however, child labor was a problem. A 2003 statute raised the minimum age for employment from 14 to 15 years of age.

Nearly 13 percent of urban children and 36 percent of rural children between the ages of 10 and 14 were intermittently employed, the vast majority on family farms. Children in rural areas generally dropped out of school to help on family farms, and urban children often worked as domestic laborers and servants. In the agricultural sector, work for children on the family subsistence farm may begin at an even younger age. In cities, many children worked in occupations such as transport of goods by rickshaw and petty trading. In 2003, IPEC reported that children as young as 8 years old were being used in mines because they could maneuver in cramped spaces more easily than adults.

The Government enforced child labor laws in the formal economic sector by means of inspectors from the Ministry of Civil Services; however, enforcement in the much larger informal sector remained a serious problem.

During the year, the Government took steps to combat forced child labor and trafficking (see Section 5). In June, the Ministry of Labor approved a 15-year national plan to combat the worst forms of child labor, citing child prostitution, stone quarry work, salt marsh work, domestic labor, gemstone mining, agriculture, and commercial fishing as areas of particular concern. The plan created a national committee made up of high-level government, donor, civil society, and religious group representatives to raise public awareness and coordinate the national campaign; the committee became operational in August. The Government continued to construct Welcome Centers for the victims of trafficking and forced labor and, since July, the Antananarivo Welcome Center rescued over 200 children employed in the worst forms of child labor, including prostitution, and reintroduced many victims into the educational or vocational training system.

e. Acceptable Conditions of Work

The Labor Code and its implementing legislation prescribe working conditions and minimum wages, which were enforced by the Ministry of Civil Service, Labor, and Social Laws. The law makes separate provisions for agricultural and nonagricultural work.

In October, the Government passed a decree increasing the monthly minimum wage from \$19.70 (197,000 FMG) to \$23.00 (253,000 FMG). The national minimum wage did not provide a decent standard of living for a worker and family, particularly in urban areas. Although most employees knew what the legal minimum wages were, in practice, those rates were not always paid. High unemployment and widespread poverty led workers to accept lower wages.

The standard workweek was 40 hours in nonagricultural and service industries and 42½ hours in the agricultural sector. Legislation limited workers to 20 hours of overtime per week; however, there were reports that employees often were required to work until production targets were met. A December CRS report on working conditions in the EPZs indicated that 86 percent of employees surveyed regularly worked more than 40 hours per week. In some cases, this overtime was unrecorded and unpaid.

The Labor Code sets rules and standards for worker safety and worksite conditions. The Ministry of Labor hired 50 new labor inspectors, bringing the total number to 90, to enforce labor laws throughout the country; however, these inspectors were able to

cover only the capital effectively. If violators do not remedy cited violations within the time allowed, they may be sanctioned legally or assessed administrative penalties. CNAPS, the country's equivalent of the Social Security Administration, published reports on workplace conditions, occupational health hazards, and workplace accident trends. Workers did not have an explicit right to leave a dangerous workplace without jeopardizing their employment. The Labor Code applies to all legal workers.